

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL STEPHENS,

Plaintiff,

v.

TTH TRANSPORT LLC, and
EYOB KIDANE TEWOLDE,

Defendants,

CIV-22-1084-G

Case No. CJ-2022-5139
(Oklahoma County District Court)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446, Defendants TTH Transport LLC and Eyob Kidane Tewolde (collectively “Defendants”), hereby gives notice of removal of Case No. CJ-2021-94, filed in the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In further support of removal, Defendants state:

I. RELEVANT BACKGROUND

1. On October 18, 2022, Plaintiff commenced an action in the District Court for Oklahoma County, State of Oklahoma, by filing a Petition in Case No. CJ-2022-4160 styled: *Michael Stephens, Plaintiff, v. TTH Transport LLC and Eyob Kidane Tewolde, Defendants*. A copy of the District Court Docket is attached hereto. Docket Report [EX. 1]. A file-stamped copy of the District Court Petition is also attached hereto. Petition [EX. 2].

II. TIMELINESS OF REMOVAL

2. Summonses were issued by the District Court on November 20, 2022, and December 5, 2022. The Summons and Petition were served on Defendant TTH Transport LLC on December 8, 2022. TTH Transport Return of Service [EX.3]. The Summons and Petition were served on Defendant Eyob Kidane Tewolde on December 5, 2022. Eyob Kidane Tewolde Return of Service [EX. 4]. This Notice of Removal is being filed within 30 days of the date of service.

III. DIVERSITY OF CITIZENSHIP

3. According to Plaintiff's information provided by the Petition [EX. 2] he is a citizen of Oklahoma. Petition, ¶ 1 [EX. 2].

4. TTH Transport LLC. is a limited liability company organized under the laws of the State of Texas TTH Transport, LLC, Texas Secretary of State entity information, [EX. 5]. Petition, ¶ 3 [EX. 2]. Blue Diamond Transportation is a single-member LLC, and its sole member is Defendant Blue Diamond Transportation, LLC.

5. Defendant Eyob Kidane Tewolde is a citizen of Florida. Petition, ¶ 2 [EX. 2].

6. Insofar as Plaintiff is a citizen of Oklahoma and Defendants are not citizens of Oklahoma, complete diversity of citizenship exists for purposes of 28 U.S.C. § 1332(a)(2).

IV. AMOUNT IN CONTROVERSY

7. Plaintiff seeks damages in excess of \$75,000, the amount required for diversity jurisdiction. Petition, ¶ 20, 26, 31, 37 [EX. 2].

V. COMPLIANCE WITH 29 U.S.C. § 1446(a) and (d)

8. A copy of certain pleadings filed in the State Court action are attached as Exhibits 1-5, as identified above. The remaining pleadings, also attached hereto are as follows:

9. Contemporaneous with the filing of this Notice of Removal, Defendants will give written notice thereof to Plaintiff and file a copy of the Notice of Removal with the Clerk of the District Court of Oklahoma County, Oklahoma.

WHEREFORE, for all the foregoing reasons, this case is removable pursuant to 28 U.S.C. § 1441(a) because this action is between a citizen of Oklahoma and a citizen of a foreign state and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

Respectfully submitted,

s/ Cole P. Nimmo

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CERTIFICATE OF SERVICE

This is to certify that on the 24th day of December 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing was sent to the following ECF registrants:

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ATTORNEYS FOR PLAINTIFF

s/ Cole P. Nimmo

Cole P. Nimmo